

# Exhibit 6

Richard Metcalf  
February 28, 2018

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CIARA NEWTON,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CASE NO.:
	)	4:17-CV-03961-YGR
EQUILON ENTERPRISES, LLC, DBA	)	
SHELL OIL PRODUCTS, U.S.	)	
	)	
Defendants.	)	
	)	
	)	

VIDEOTAPED DEPOSITION OF RICHARD METCALF

FEBRUARY 28, 2018

9:28 a.m.

44 Montgomery Street, Suite 550

San Francisco, California

Reported By:

Ora B. Kohn

CSR 11933

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1 A. I don't. I don't know everybody that works  
2 there. I have no idea, to be honest with you.

3 Q. So you don't -- you have no basis for knowing  
4 whether or not more than half of the employees at  
5 the -- Operators at the refinery are women?

6 A. I would be assuming. I don't -- I don't know.

7 Q. Okay.

8 A. I can tell you how many work in OPCEN.

9 Q. How many work in OPCEN?

10 A. Currently, two.

11 Q. Out of how many?

12 A. I don't know our exact number. My guess would  
13 be probably 45 to 50 would be a guess.

14 Q. Is it fair to say that OPCEN is a  
15 male-dominated environment?

16 MR. LAFAYETTE: Objection. Don't -- the  
17 question is vague and ambiguous. Assumes a fact not in  
18 evidence. It's vague and ambiguous in the use of the  
19 word "dominated."

20 MS. SMALLETS: Q. You can answer.

21 A. I don't -- I don't understand what you mean by  
22 male dominant.

23 Q. Would you characterize OPCEN as a  
24 male-dominated environment?

25 MR. LAFAYETTE: Same objection. He just told

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1 you he didn't know what you mean by the word that you  
2 just used again.

3 MS. SMALLETS: No. He said he didn't know  
4 what the word meant by male dominant. That's a  
5 different word.

6 MR. LAFAYETTE: It's the same.

7 THE WITNESS: We have more men than women, if  
8 that's what you're asking, yes.

9 MS. SMALLETS: Q. And has that been true the  
10 entire time that you've worked for OPCEN?

11 A. Yes.

12 Q. Has there ever been a point in time, to your  
13 knowledge, when you worked for OPCEN when more than ten  
14 percent of the OPCEN Operators were women?

15 A. I wouldn't know that information. My guess  
16 would be no.

17 Q. What's a PD Log?

18 A. It's a Positive Discipline log.

19 Q. What's the purpose of a PD Log?

20 A. To acknowledge behaviors, positive and  
21 negative, and coach, correct, and change.

22 Q. Does every Operator at the facility have a PD  
23 Log, or is that something that's used during training?

24 A. I don't know the -- my assumption is yes,  
25 everybody in OPCEN does. I can't say the whole



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1 he's finished, please ask another question. If not,  
2 I'm going to assume the Deposition is over.

3 MS. SMALLETS: Counsel, the --

4 MR. LAFAYETTE: Is the Deposition over.

5 MS. SMALLETS: It's not over.

6 MR. LAFAYETTE: Then ask a question, please.

7 We don't want to sit here all day waiting.

8 MS. SMALLETS: Counsel --

9 MR. LAFAYETTE: Please. I'm just asking you  
10 to you, please --

11 MS. SMALLETS: Your role is to make  
12 objections.

13 MR. LAFAYETTE: And I'm telling you if you're  
14 not going to ask questions, I'm going to leave.  
15 Really. So please ask another question.

16 MS. SMALLETS: Q. Do you recall a single  
17 positive comment you've written in anyone's PD Log?

18 A. I don't.

19 Q. I believe you told me that at a certain point  
20 in time you were assigned to supervise Ciara. Is that  
21 correct?

22 A. Yes.

23 Q. When was that?

24 A. I don't have the specific dates.

25 Q. What -- do you recall how long you supervised

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1 MR. LAFAYETTE: I'm instructing -- he answered  
2 it, and you're harassing him.

3 MS. SMALLETS: No, he did not.

4 MR. LAFAYETTE: He answered it. I'm  
5 instructing him not to answer. Let's move on.

6 MS. SMALLETS: Are you following your  
7 Counsel's instruction?

8 THE WITNESS: Absolutely.

9 MS. SMALLETS: Q. Okay. The -- at some point  
10 in time you prepared a 270-Day Progress Review for  
11 Ciara.

12 A. Yes.

13 Q. When you prepared -- prepared that review, it  
14 expressed the opinion that she continued to be an  
15 employee of Equilon Enterprises, correct?

16 A. That's not correct.

17 Q. What opinion did you express on that point?

18 A. I did not have enough time with Ciara to state  
19 whether or not she should continue or should not  
20 continue.

21 MS. SMALLETS: And Counsel --

22 THE WITNESS: I did not work with her enough  
23 to be able to make that evaluation, and that's what I  
24 instructed my superiors at the time also.

25 MS. SMALLETS: Q. Okay. Did you fill out a

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1 your pussy hurts, go home" in the workplace?

2 A. Yes.

3 Q. Where did you see that sticker?

4 A. I seen the sticker in multiple places. Some  
5 people had it on their hardhats. Some people were  
6 passing them around. And I seen the sticker -- Eric  
7 Perez presented the sticker to me that Ciara had found  
8 on her desk.

9 Q. Who had it on their hardhats?

10 A. I don't know specific people's names. I just  
11 know they were on hardhats.

12 Q. Do you recall if it was more than one hardhat?

13 A. I do not recall.

14 Q. Was it on your hardhat?

15 A. No.

16 Q. Would you have put something like that on your  
17 hardhat?

18 A. Absolutely not.

19 Q. Why not?

20 A. Because that's not a work appropriate saying.  
21 I don't believe that it's a good statement to be made.

22 Q. Do you think it's an offensive statement?

23 MR. LAFAYETTE: Objection. Requires improper  
24 opinion. Calls for a legal conclusion.

25 THE WITNESS: I believe people could find that

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1 A. Same list as stated before, Team Four.

2 Q. Same list?

3 A. As stated before of Team Four.

4 Q. So there's no changes since Ciara's

5 termination other than Ciara is gone?

6 A. There have been other changes since she has

7 gone, yes, but those were the people that were there

8 during the time frame --

9 Q. Okay.

10 A. -- that she was there.

11 Q. Got it. Do you know whether any of your  
12 direct reports had it on their hardhat, the sticker on  
13 the hardhat?

14 A. Yes.

15 Q. Who?

16 A. I believe Jonathan Boyle had it on his  
17 hardhat.

18 Q. Do you know whether John Hess had it on his  
19 hardhat?

20 A. I do not, no. The only one I know of is  
21 Jonathan Boyle.

22 Q. Okay. Do you recall whether you saw Jonathan  
23 Hess' hardhat that day?

24 A. I do not, no.

25 Q. Do you know if Nick Backens had on it his



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1 throwing it away.

2 Q. Is it your understanding those were two  
3 separate stickers?

4 A. Yes.

5 Q. Did you see any other copies of the sticker in  
6 the workplace?

7 A. Yes.

8 MR. LAFAYETTE: Objection.

9 THE WITNESS: Sorry.

10 MR. LAFAYETTE: Been asked and answered.

11 MS. SMALLETS: Q. Okay. What other copies?  
12 Where else did you see another copy?

13 A. I don't recall where. There was multiple  
14 copies floating around.

15 Q. Do you recall how many you saw?

16 A. No.

17 Q. Did you ever ask your -- members of your team  
18 if they were the ones who brought the sticker into the  
19 workplace?

20 A. No.

21 Q. Why not?

22 A. I didn't see relevance in who brought it in.  
23 Just get rid of it. It's found offensive. It's  
24 offensive material. Doesn't belong here.

25 Q. Did bringing the sticker into the workplace,



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1 A. No.

2 Q. Did you witness him put it in the trash?

3 A. I did not, no.

4 Q. So best of your knowledge, when you left that  
5 room, Eric still had the sticker, correct?

6 A. Yes.

7 Q. Okay. And what did Eric -- was that  
8 conversation -- did that take place on the day the  
9 sticker was found?

10 A. Yes. It was after the sticker was found.

11 Q. And Eric -- what did Eric tell you?

12 A. Like I said before, that this is  
13 inappropriate, and to have a conversation with the team  
14 letting them know that it's inappropriate, and to make  
15 sure that any remaining stickers were removed from the  
16 premises and gone.

17 Q. Did you have a conversation with the team?

18 A. Yes.

19 Q. When did you have that conversation?

20 A. Shortly after the sticker was found.

21 Q. Okay. And what did you say to the team?

22 A. I don't remember the exact specifics, but that  
23 inappropriate material needed to be removed, and it's  
24 not appropriate here at work. We don't work that way.  
25 It's not who we are.

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1 desk?

2 A. Yes.

3 Q. Do you recall what words Eric used to convey  
4 that?

5 A. No, I do not.

6 Q. How long after the sticker showing up at the  
7 workplace did you have a conversation with Ciara about  
8 the sticker?

9 MR. LAFAYETTE: Objection. It's lacking  
10 foundation.

11 THE WITNESS: I don't recall if it was that  
12 day or the next day. I don't recall.

13 MS. SMALLETS: Q. Okay.

14 A. But I know we did have a conversation.

15 Q. In that conversation, did Ciara tell you that  
16 she found the sticker offensive?

17 A. I don't recall.

18 Q. In that conversation, did Ciara tell you that  
19 the sticker made her uncomfortable?

20 A. I don't recall.

21 Q. You don't recall one way or the other?

22 A. I don't.

23 Q. Okay. In that conversation, did you ask Ciara  
24 if she was easily offended?

25 A. I did.

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1 Q. You did?

2 A. Yes.

3 Q. Did you tell Ciara that if she was easily  
4 offended you would have to talk to the guys about  
5 changing their language?

6 A. That's not the exact words I used, no.

7 Q. What were the exact words you used?

8 A. I asked her if she was easily offended in a  
9 different context than what you just stated, but I did  
10 state that in -- I not knowing her, if anything has  
11 gone on that has offended her, she needed to let me  
12 know so that I can intervene because no one should  
13 be -- feel uncomfortable walking through that gate  
14 every day.

15 Q. When did you ask Ciara if she was easily  
16 offended?

17 MR. LAFAYETTE: Objection. Misstates the  
18 witness's testimony as framed and also argumentative.

19 THE WITNESS: I -- it was in the conversation  
20 either the day -- that day -- all of this was all in  
21 the same conversation.

22 MS. SMALLETS: Q. Okay, so you did ask her  
23 that question as part of the conversation about the  
24 sticker?

25 MR. LAFAYETTE: Objection. Mischaracterizes



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1 THE WITNESS: Yeah, I would say that that is  
2 not appropriate for the workplace, no.

3 MS. SMALLETS: Q. Describe for me everything  
4 you recall being said in the conversation with Ciara  
5 about the sticker.

6 MR. LAFAYETTE: Objection. Question has been  
7 previously asked and answered. Cumulative.  
8 Argumentative. Harassing.

9 THE WITNESS: I would -- I remember I called  
10 her in. I -- and -- because I wanted to make a point  
11 to her that I didn't believe -- in my opinion I don't  
12 believe the sticker was intentionally left for her. In  
13 my opinion -- that's just my personal opinion. Whether  
14 or not it's right or not, that's on the company line,  
15 but I didn't want her to feel that people were  
16 targeting her individually. That wasn't the intent  
17 from how I understood it. So -- and I wanted to -- I'm  
18 trying to get to know this person and figure out who  
19 she is, how she ticks in this short amount of time, and  
20 then I'm getting hit with this -- this instance. So I  
21 had a conversation with her about if she's had anything  
22 come up other than this sticker that offended her, made  
23 her feel offensive -- made her feel offended, because  
24 in my opinion nobody should feel uncomfortable coming  
25 through that gate. I explained I have an open door

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1 he's not been designated as the Person Most  
2 Knowledgeable.

3 THE WITNESS: I don't know of any policy that  
4 says you can't -- that you have to speak in your normal  
5 talking tones. I don't -- as far as policy goes, I  
6 don't know of any policy that states that you can't not  
7 do that. Now, I don't see why you would, but I don't  
8 know.

9 MS. SMALLETS: Q. Do you think that could be  
10 a way of mocking a female employee?

11 MR. LAFAYETTE: Objection. Incomplete  
12 hypothetical. Not enough facts to say anything. It  
13 is -- he's not the Person Most Knowledgeable. He's not  
14 an expert witness. His opinion as to whether or not  
15 it's what you said it is isn't relevant, nor likely to  
16 lead to the discovery of admissible evidence.

17 THE WITNESS: I don't know enough -- there's  
18 not enough to that story for me to make an opinion on  
19 it. Just someone's making a high pitched talk over the  
20 radio, are they making fun of a woman? I don't have  
21 enough facts to go -- to form an opinion on that.

22 MS. SMALLETS: Q. Okay. Did you ever hear  
23 any male employees at Shell talking over the radio in  
24 fake high pitched stereotypically female voices?

25 A. Yes.



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1 Q. When?

2 A. I don't have specific dates.

3 Q. Was it during Ciara's employment?

4 A. I don't have specific dates.

5 Q. How many times did you hear that happen?

6 A. Thousands.

7 Q. Who have you heard doing it?

8 A. I don't have specific people. Hard to say  
9 whose doing what over a radio. Just listening.

10 Q. Have you ever heard anyone say to the people  
11 doing this, knock it off, that's inappropriate?

12 A. I've heard, knock it off a time or two, yeah,  
13 but never that it was inappropriate, no.

14 Q. Okay.

15 MR. LAFAYETTE: When you get a chance -- I'd  
16 like to take a break when you get a chance.

17 MS. SMALLETS: Okay.

18 Q. Who did you hear -- do you know who said  
19 "knock it off"?

20 A. No.

21 MR. LAFAYETTE: Is this a good time?

22 MS. SMALLETS: Just one second.

23 Q. I just want to make sure I'm clear. You may  
24 have said that. You said you heard men doing this,  
25 correct?

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1 MR. LAFAYETTE: You can answer.

2 THE WITNESS: No.

3 MS. SMALLETS: And then the other one -- I  
4 remember it now actually.

5 Q. Did you personally take any disciplinary  
6 action against an employee as a result of the sticker?

7 A. No.

8 MR. LAFAYETTE: Did that resolve that?

9 MS. SMALLETS: Yes. I have the legal  
10 authority for you too, but that resolved it.

11 MR. LAFAYETTE: You did.

12 MS. SMALLETS: Yes.

13 MR. LAFAYETTE: I would still like to take a  
14 look at it. Resolve something in the future.

15 MS. SMALLETS: Can you mark this as the next  
16 exhibit.

17 [Whereupon, Deposition Exhibit 3, a  
18 Series of e-mails and attachments Bates  
19 stamped DEF 000987 to 000989, was marked  
20 for identification.]

21 MR. LAFAYETTE: Exhibit 3?

22 COURT REPORTER: It is, yes.

23 MS. SMALLETS: Q. Court Reporter has given

24 you a document that's been marked as Exhibit 3. It's

25 Bates stamped DEF 987 through 989. At the moment I'm

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1 going to focus on the first part of the first page  
2 which purports to be an e-mail message that you sent to  
3 Eric Perez on September 21st. Says, "Your message  
4 is -- your message is ready to be sent with the  
5 following file or link attachments. Progress Report  
6 240 Days Newton Copy." Do you see that?

7 A. Yeah.

8 Q. And is the attached two-page document DEF 988  
9 to 989 the Progress Report that you sent to Eric on  
10 September 21st?

11 A. As far as I know, yes.

12 Q. And did you have an understanding -- is this  
13 supposed to be a 240-day Progress Report or 270-day  
14 Progress Report?

15 A. So the 240 -- when the 240 was due, I did not  
16 have sufficient time with Ciara to be able to do that  
17 report, so this was going to be the 270 as by the date  
18 states, but it is labeled as a 240 because a 240 wasn't  
19 delivered.

20 Q. Okay. How much time would you typically have  
21 with an employee -- I'm a little confused. Let me ask  
22 a different question. So these Progress Reports are  
23 issued every 30 days, correct?

24 A. I believe so, yes.

25 Q. So as of the time that the 240-day report was

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1 to Eric, that was -- you believed that to be truthful  
2 because if not, you would have edited it to say  
3 something else?

4 MR. LAFAYETTE: Objection. Compound.

5 THE WITNESS: Yes. Potentially, yes.

6 MS. SMALLETS: Q. Okay.

7 A. Not saying I read everything line for line a  
8 hundred percent, but yes.

9 Q. As of September 21st, 2016, was it your belief  
10 that Ciara is learning to be a safe Operator?

11 A. Yes.

12 Q. Was it your belief that she's concerned about  
13 the health and safety of herself, her co-workers and  
14 the environment?

15 A. Yes.

16 Q. Was it your belief that she's doing better at  
17 projecting and conveying Unit info?

18 A. Yes.

19 Q. I'm going to move to the box to the right  
20 which is, "Work Speed, Accuracy and Thoroughness."  
21 There's an "X" next to, "Works with acceptable rate.  
22 Accuracy of work generally good. Errors -- errors  
23 sometimes found in work. Usually thorough." And  
24 there's an "X" next to that. Is that a rating that you  
25 either -- an "X" you put in that box or allowed to



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1 remain in that box?

2 A. I believe so, yes.

3 Q. Okay. And was that your assessment of Ciara's  
4 work speed, accuracy and thoroughness as of September  
5 21st?

6 A. I would assume so, yes.

7 Q. Okay, and the "Comments Examples" it says  
8 quote, "Ciara gets right out into the Unit to start her  
9 readings and samples." Did you believe that that was a  
10 true assessment of Ciara's performance as of  
11 September 21st, 2016?

12 A. Yes.

13 Q. Move down to the box entitled, "Exercising  
14 Judgment." Sorry. "Exercising Judgment Solving  
15 Problems." And there's an "X" next to "Judgment and  
16 problem solving ability are adequate." Do you see  
17 that?

18 A. Yes.

19 Q. And is that an "X" that you either placed in  
20 that box or allowed to remain there because you  
21 believed that was an accurate assessment of her  
22 performance?

23 A. Yes.

24 Q. Okay. And looking at the "Comments Examples"  
25 it says, "Process and judgment and problem solving



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1 takes time to acquire. Ciara is increasing her ability  
2 to problem solve as she gains confidence. When we had  
3 the leak on the E1207, she was timid in giving a  
4 response on what was happening. With further  
5 discussions I determined that this was a confidence  
6 issue and not a process knowledge issue." Is that a  
7 comment that you wrote?

8 A. Yes.

9 Q. And did you believe that to be an accurate  
10 comment at the time you wrote it?

11 A. I believe so, yes.

12 Q. Okay. Tell me about the leak on E1207. Is  
13 that 1207? Am I reading that right?

14 A. Yes.

15 Q. What's E1207?

16 A. It's a Hydrogen cooler basically.

17 Q. Okay. And there was a leak, I presume?

18 A. There was a packing leak out of the -- the --  
19 it's not really a valve. It's -- trying to think of --  
20 it's a damper inside the exchanger.

21 Q. Who found the leak?

22 A. Ciara found the leak.

23 Q. And did she report the leak to you?

24 A. Yes.

25 Q. Was that what she is -- she was supposed to

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1 A. Yes, I believe so. At 3:30 can we take  
2 another break, please?

3 Q. Sure. Okay. Moving on, the next one says,  
4 "Amount of supervision required." Says -- "Needs --"  
5 there's an "X" next to "Needs some extra supervision to  
6 complete assigned tasks." Was that an "X" you placed  
7 in there?

8 A. Yes, I believe so.

9 Q. It says, "She needs assistance with most tasks  
10 the first time. She's getting practice with call  
11 cards, LOTO CF5 and will get more experience every day."  
12 Is that a comment you wrote?

13 A. I believe -- I don't know. That might have  
14 been a copy and paste.

15 Q. Okay. Is that -- is that something that you  
16 thought was accurate as of September 21st, 2016?

17 A. As of this writing on this, yes.

18 Q. And then there's a "Job Knowledge and Skills,"  
19 and there's a "X" next to "Making satisfactory adequate  
20 progress and acquiring knowledge and skills.  
21 Proficiency generally meets expectations." Is that an  
22 "X" that you either placed there or allowed to remain  
23 there because you thought that was an accurate  
24 assessment of Ciara's job knowledge and skills as of  
25 the date you wrote this?

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1 A. As of the time I wrote this, yes.

2 Q. And "Comments Examples" it says, "Ciara is  
3 getting the hands-on experience she needs to become  
4 proficient right now. Working the job and seeing  
5 day-to-day things that come up is what is needed to  
6 learn the job. Some time outside tracing pipes in the  
7 Unit and reviewing/simulating procedures would be  
8 beneficial to learn the equipment and the Unit." Is  
9 that something that you wrote?

10 A. I believe so, yes.

11 Q. And was that an accurate assessment of your  
12 belief about Ciara's job knowledge and skills as of  
13 September 21st, 2016?

14 A. As of writing this document, yes.

15 Q. All right. And then it says, "Summarize  
16 employee's demonstrated strengths." Quote, "Ciara is  
17 willing to learn and is determined. She's very safety  
18 minded and not afraid to bring up safety concerns.  
19 She's honest and has integrity." Is that something you  
20 wrote?

21 A. I believe so, yes.

22 Q. And did you believe that to be true as of the  
23 date as of when you wrote this document?

24 A. I believe so, yes.

25 Q. Okay. And then it says, "Based on your



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1 knowledge of the employee's performance to date, should  
2 the individual continue as an Equilon Enterprises  
3 employee?" And there's an "X" next to "Yes." Is that  
4 an "X" you either placed in the document or allowed to  
5 remain in the document before you sent it to Eric?

6 A. It was one I allowed to remain there when I  
7 sent it to him, yes.

8 Q. At the time you sent that document to Eric,  
9 did you believe the answer to that question should be  
10 yes?

11 A. I did not have sufficient evidence to allow --  
12 to mark 'yes' or "no" in that box. I did not know.

13 Q. Did you take the "X" out of the box?

14 A. No, I did not.

15 Q. Why not?

16 A. Because I didn't know what to put there. So  
17 it came over with the copy and paste, so I just left it  
18 as is.

19 Q. Did you -- did you tell anyone in writing  
20 that's what you were doing?

21 A. No. I did not put it in writing no, no.

22 Q. Did you -- you get an e-mail back from Eric  
23 like six and a half hours after you sent this e-mail to  
24 Eric. In that interim, did you verbally tell Eric that  
25 you were -- that -- did you discuss the -- the --

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1 awake but us that are working.

2 Q. That would be my assumption, but you never  
3 know. That's why I have to ask the questions.

4 A. I get it.

5 Q. Do you recall receiving the e-mail that's  
6 reflected in the top of the first page of Exhibit 3  
7 from Eric?

8 A. Yes.

9 Q. It says, "Confidential. Richard, before you  
10 issue, let's align on Ciara 240 Review. I pasted your  
11 response below on her rating. I'm not asking you to  
12 change anything, but me and you need to be aligned on  
13 her performance and behaviors since she's been  
14 employed." Do you see that?

15 A. Yes.

16 Q. And then it talks about setting up a meeting  
17 between you and Eric and Mike after the Monday morning  
18 meeting. Do you see that?

19 A. Yes.

20 Q. Did that meeting happen?

21 A. Yes.

22 Q. Did it happen the following Monday?

23 A. I do not recall specifically the date or times  
24 that it happened.

25 Q. But there was a meeting between you, Eric



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1 Perez and Mike to discuss Ciara?

2 A. For alignment, yes.

3 Q. Whose Mike?

4 A. I believe this was referencing Mike Beck.

5 He's cc'd in my e-mail.

6 Q. Okay. Again, that's what I assumed but don't

7 want to make assumptions. Did you discuss anything

8 other than Ciara in this meeting for alignment?

9 A. Not that I recall, no.

10 Q. Was anyone else present during that meeting?

11 A. Not that I can recall, no.

12 Q. Did you take any notes?

13 A. No, I did not.

14 Q. Did anyone -- did you observe anyone else

15 taking notes?

16 A. I don't recall.

17 Q. Did you discuss -- at that point in time

18 you're also supervising Bill Wessleman?

19 A. Yes.

20 Q. Did you discuss Bill during that meeting?

21 A. Not that I can recall, no.

22 Q. Did you send Eric a draft of your 240-day --

23 strike that.

24 Were you preparing a 240-day Progress Report

25 for Bill in this late September time frame?

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1 Q. Okay, putting aside the dates, I'm talking  
2 from the time you started supervising her until this  
3 alignment meeting. So you're covering the entire time  
4 you supervised her.

5 A. Probably, yes.

6 Q. Do you recall anything that was said in any of  
7 those conversations?

8 A. I don't -- I believe there was some e-mail,  
9 but I don't know.

10 Q. So you had -- you met with Mike Beck and Eric  
11 Perez to discuss the Progress Report that you had  
12 prepared. Do you recall where that meeting took place?

13 A. I don't recall. I've had plenty of meetings  
14 with them. I don't remember where this one  
15 specifically was.

16 Q. Do you recall how long it lasted?

17 A. I do not.

18 Q. Five minutes, half an hour?

19 A. I don't recall. I've had multiple meetings  
20 with them, so I don't know.

21 Q. Did you discuss anything at that meeting other  
22 than Ciara?

23 A. I do not recall.

24 Q. What do you recall -- did you take any notes  
25 during that meeting?

Richard Metcalf  
February 28, 2018

1 A. I did not.

2 Q. Did you observe anyone else taking notes  
3 during that meeting?

4 A. As I stated before, I don't recall.

5 Q. I asked you that. What do -- you recall  
6 anything you said during that meeting?

7 A. I don't recall specifics of what was said, no.

8 Q. Do you recall anything else -- anything that  
9 anyone else said during that meeting?

10 A. I do recall a few things, yes.

11 Q. What do you recall being said?

12 A. I recall -- I don't know who said where, but  
13 that I had the "Yes" box marked there, and that if they  
14 were going to go with termination, I cannot have that  
15 box checked.

16 Q. Is that the first time you had heard that  
17 there was -- that terminating Ciara was under  
18 consideration?

19 A. As far as I remember, yes.

20 Q. What was your response to that statement?

21 A. The "Yes" box was only marked because I didn't  
22 know what to put there. My evaluation -- I haven't had  
23 enough time to evaluate whether she should continue  
24 employment or not continue employment. I don't feel  
25 comfortable answering that question.



Richard Metcalf  
February 28, 2018

1 Q. Did you eventually -- did you eventually make  
2 changes to this review?

3 A. I did, yes.

4 Q. Were those changes based on any -- were those  
5 changes based on the feedback that you got at that  
6 meeting with -- the alignment meeting?

7 A. Yes.

8 Q. Were they based on anything that you  
9 personally observed in Ciara's performance in the  
10 interim between when you drafted the first version and  
11 when you drafted the -- when you made the changes?

12 A. No. They were based upon previous statements  
13 that were brought back to my memory.

14 Q. So just so we're clear, Ciara didn't do  
15 something in the interim that caused you to change your  
16 assessment in any manner?

17 A. That's correct.

18 Q. Do you recall who said that if we're going to  
19 go with termination, you couldn't have the "Yes" box  
20 checked?

21 A. I do not recall.

22 Q. Do you recall anything else that anyone said  
23 at that meeting?

24 A. When it was asked if I would be comfortable  
25 with marking both boxes.



Richard Metcalf  
February 28, 2018

1 Q. And what did you say?

2 A. That I would be comfortable with that because  
3 that's my assessment. I don't know. Yes and no. I  
4 don't know enough to know whether or not.

5 Q. As of the day that you wrote that Performance  
6 Review on September 21st, if the decision was up to  
7 you, would you have terminated Ciara?

8 MR. LAFAYETTE: Objection. Incomplete  
9 hypothetical. Lacking in foundation with this witness  
10 as to the full breadth of her work. Requires him to  
11 make assumptions. Requires him to speculate.

12 MS. SMALLETS: Q. You can answer.

13 A. I did not have enough -- as I stated, I did  
14 not have enough time with Ciara for me to make a  
15 judgment on what her future should be with the company  
16 or not.

17 Q. Okay, my question is a little more specific  
18 than that. If someone said to you on September 21st,  
19 should we fire Ciara, would you have said yes?

20 MR. LAFAYETTE: Objection. He's just answered  
21 that. Read his answer back again.

22 MS. SMALLETS: It's a different question.

23 MR. LAFAYETTE: Let me --

24 MS. SMALLETS: I'm entitled to ask this  
25 question.

Richard Metcalf  
February 28, 2018

1 A. Eric Perez.

2 Q. When did you do that?

3 A. I have no idea. You got it somewhere over  
4 there.

5 MR. LAFAYETTE: Is this Exhibit 4?

6 COURT REPORTER: Yes.

7 MS. SMALLETS: Yes.

8 [Whereupon, Deposition Exhibit 4, an

9 E-mail with attachments Bates stamped

10 DEF 00967 to 00970, was marked for

11 identification.]

12 Court Reporter has given you a document marked  
13 as Exhibit 4, Bates stamped 967 through 970. It's an  
14 e-mail that purports to be an e-mail from you to Eric  
15 Perez attaching a 240-day Progress Report. Do you see  
16 that?

17 A. Yes.

18 Q. And is this the Progress Report after you made  
19 changes?

20 A. As far as I can tell, yes.

21 Q. Okay. And what changes did you make?

22 A. I --

23 MR. LAFAYETTE: Document is its own best  
24 evidence.

25 THE WITNESS: I don't know. We would have to

Richard Metcalf  
February 28, 2018

1 THE WITNESS: Under "Job Knowledge and  
2 Skills," again none of these changed rankings, just  
3 added comments. I added, "Also start taking a look at  
4 stuff and seeing if it can be done without assistance."  
5 And then I added a checkmark in the "No" box also along  
6 with the "Yes" box.

7 MS. SMALLETS: Q. And you left the checkmark  
8 in the "Yes" box?

9 A. Yes, I did.

10 Q. Okay. And you didn't feel comfortable  
11 answering that question "No" without the checkmark in  
12 the "Yes" box, correct?

13 A. I didn't feel comfortable putting any mark,  
14 but they said I had to put one, and asked if I would  
15 put one put one in both, and I said yes.

16 Q. And several of your comments suggest that you  
17 wanted Ciara to do more things on her own rather than,  
18 asking for help first. Is that right? Try it out  
19 first?

20 A. That's correct.

21 Q. Would you feel comfortable her being out in  
22 the field and trying things out on her own?

23 A. Yes, with -- yes.

24 Q. Okay. Did you make entries in Ciara's  
25 Positive Discipline Log?

Richard Metcalf  
February 28, 2018

1 Q. It says, "If your pussy hurts, just stay  
2 home," right?

3 A. Yes.

4 Q. So it's -- and so it's a reference to the cat  
5 just as the sticker looks, right?

6 MS. SMALLETS: Objection. So Counsel, this is  
7 your witness. You can't --

8 MR. LAFAYETTE: If you would --

9 MS. SMALLETS: Objection. Leading.

10 MR. LAFAYETTE: If you would --

11 MS. SMALLETS: Objection. Leading.

12 Objection. Leading.

13 MR. LAFAYETTE: Your objection is made, but  
14 you can't stop me. You can't instruct me.

15 MS. SMALLETS: I can't instruct you, but  
16 objection. Leading.

17 MR. LAFAYETTE: You could have attached it,  
18 okay. We wouldn't have to do this if you had attached  
19 it, okay. So --

20 Q. And do you understand that a pussy is also a  
21 reference to a cat?

22 A. Yes.

23 Q. So there was a drawing on the sticker, right?

24 A. I do not know.

25 Q. Okay. Now, there's another document that was



Richard Metcalf  
February 28, 2018

1 referenced today that was not attached, and it's an  
2 e-mail that you sent. Do you have the September 23,  
3 2016, e-mail? 917? No?

4 I can attach it. Don't worry about it. I  
5 only have one copy of it, though, okay. I'd like to  
6 make this Exhibit 6 to the Deposition.

7 [Whereupon, Deposition Exhibit 6, an  
8 E-mail with attachments Bates stamped  
9 DEF 000971 to 000972, was marked for  
10 identification.]

11 Counsel, this is 971 through 972. Do you  
12 recognize this as an e-mail that you sent on  
13 September 23, 2016?

14 A. Yes.

15 Q. Okay. Now, earlier today you referenced that  
16 after you sent Exhibit 3 to Mr. Perez, Mr. Perez  
17 reached out to you at 6:59 a.m. on September 21st and  
18 said that you should get together with Mr. Beck and  
19 have it -- let me finish my question, please -- you  
20 should get together with Mr. Beck and have a meeting  
21 related to alignment, right?

22 MS. SMALLETS: Objection. Leading. Compound.  
23 Misstates the document.

24 THE WITNESS: Yes.

25 MR. LAFAYETTE: Q. Okay. He said, "I'm not

Richard Metcalf  
February 28, 2018

1 STATE OF CALIFORNIA )

2 ) SS

3 COUNTY OF CONTRA COSTA )

4 I, ORA B. KOHN, Certified Shorthand

5 Reporter, do hereby certify:

6 That prior to being examined, the witness in the  
7 foregoing proceedings was by me duly sworn to testify  
8 to the truth, the whole truth, and nothing but the  
9 truth.

10 That a review of the transcript was requested  
11 by the witness.

12 That said proceedings were taken before me at  
13 the time and place therein set forth and were taken  
14 down by me in shorthand and thereafter transcribed into  
15 typewriting under my direction and supervision.

16 I further certify that I am neither counsel  
17 for, nor related to, any parties to said proceedings,  
18 nor in any way interested in the outcome thereof.

19 In witness whereof, I have hereunto  
20 subscribed my name.

21  
22 Dated: March 12, 2018

23   
24 \_\_\_\_\_

25 ORA B. KOHN, CSR 11933

**From:** Perez, Eric G SOPUS-DMW/310  
**Sent:** Wednesday, September 21, 2016 6:59 AM  
**To:** Metcalf, Richard L SOPUS-DMW/312  
**CC:** Beck, Michael A SOPUS-DMW/312  
**Subject:** RE: Emailing: Progress Report 240 Days - Newton - Copy  
**Attachments:** Progress Report 240 Days - Newton - Copy.docx

CONFIDENTIAL:

Richard before you issue lets align on Ciara 240 review. I pasted you response below on her rating. I am not asking you to change anything but me and you need be aligned on her performance and behaviors since she has been employed. Not just with Ciara but this applies to all our new hires coming out of this last class. I will set up a meeting notice for me you and Mike to discuss after the Monday morning meeting. Thank you. See ya next week..... Thank you

Permitting 1-5 (2)  
Attitude / behaviors / energized 1-5 (4) Isolating 1-5 (2) Work ethic 1-5 (4) Every thing you know today how likely would you hire them today 1-5 (1 no and 5 is yes) (2)

-----Original Message-----

**From:** Metcalf, Richard L SOPUS-DMW/312  
**Sent:** Wednesday, September 21, 2016 12:21 AM  
**To:** Perez, Eric G SOPUS-DMW/312  
**Subject:** Emailing: Progress Report 240 Days - Newton - Copy

Your message is ready to be sent with the following file or link attachments:

Progress Report 240 Days - Newton - Copy

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.



DEF 000987



**DAY PROGRESS REPORT**

30 Day	60 Day	90 Day	150 Day	180 Day	210 Day	270 Day
Employee Name: Ciara Newton		EE# 251159		Equated Date: 1/04/16	Probationary Period Ends: 9/30/16	Month-Date-Year: 9/21/16
Department/Unit: OPCEN		Job Classification: <u>OPERATOR START</u>	Time in This Job: Training		Time Under your Supervision: > 60 days	57 Days
<b>PERFORMANCE FACTORS</b>						
<b>SAFETY AND HOUSEKEEPING</b>			<b>WORK SPEED, ACCURACY, AND THOROUGHNESS</b>			
Leader In Safety; Demonstrates Deep Involvement and Accomplishments In Working Safely, Maintaining clean, Safe Work Area, and participating In Safety Meetings.			Works Rapidly and Extremely Accurately and Thoroughly; Pays Close Attention to Detail; Errors Rarely Found In Work.			
Follows Prescribes Safety Standards; Conscientiously Maintains Clean Work Environment, Performs Job Safely, and Participates in Safety Meetings.			Consistently Works Accurately and Thoroughly at a Normal Rate; Errors Seldom Found In Work.			
Sometimes Must be Reminded of Safety; Shows Secondary Interest in Performing Safety and/or Maintaining Safe Environment; May not Participate In Meetings Regularly.			Works at an Acceptable Rate; Accuracy of Work Generally Good; Errors Sometimes Found In Work; Usually Thorough.			
Has to be Constantly Reminded of Safety Standards; Shows no Interest In Improving In This Area or In Participating In Safety Meetings.			Work Pace and/or Error Rate are Unacceptable.			
Cannot Rate			Cannot Rate			
COMMENTS/EXAMPLES: Ciara is learning to be a safe operator. She is concerned about health and safety of herself, her coworkers and the environment. She is Doing better at projecting and conveying unit info.			COMMENTS/EXAMPLES: Ciara gets right out into the unit to start her readings and samples.			
<b>EXERCISING JUDGEMENT-SOLVING PROBLEMS</b>			<b>TEAMWORK, COOPERATION, AND GETTING ALONG</b>			
Judgement Is Excellent; Almost Any Work Problem.			Very Effective Team Worker; Gets Along Well with Almost Everyone; Goes Out of the Way to Help Others.			
Shows Good Judgement; Solves Many Work Problems By Self.			Good Team Worker; Gets Along Well With Others; Cooperative.			
Judgement and Problem-Solving Ability are Adequate.			Generally Performs Satisfactorily at a Team Member; Gets Along Satisfactorily with Others; Usually Cooperative.			
Exercises Little Judgement; Shows Little Problem Solving Ability.			Makes Little or No Effort to Work as a Team Member or Get Along with Others; Generally Uncooperative.			
Cannot Rate			Cannot Rate			
COMMENTS/EXAMPLES: Process judgment and problem solving takes time to acquire. Ciara Increasing her ability to problem solve as she gain confidence. When we had the leak on the E1207, she was timid in giving me a response on what was happening. With further discussion I determined that this was a confidence issue and not a process knowledge issue.			COMMENTS/EXAMPLES: Ciara gets along with team members and does what is asked. She is quiet and keeps to herself. But when she does get involved she is friendly and helpful.			
<b>FOLLOWING ORAL/WRITTEN INSTRUCTIONS</b>			<b>ORGANIZING WORK</b>			
Follows Instructions Exactly; Seeks Assistance or Clarification When Needed.			Planning, Organizing, and Work Habits are Outstanding.			
Follows Instructions Closely; Asks Questions or Seeks Information When Needed.			Plans and Organizes Work Well; Good Work Habits; Set Priorities.			
Generally Follows Instructions; Usually Asks Questions or Seeks Information When Needed.			Generally Organizes and Plans Work Well; Works Fairly Systematically; Usually Recognizes Priorities.			
Does Not Follow Instructions; Fails to Ask Questions or Seek Information When Needed.			Does Not Set Priorities; Haphazard Planning and Organizing; Poor Work Habits.			
Cannot Rate			Cannot Rate			
COMMENTS/EXAMPLES: Follows directions, does ask questions when needed.			COMMENTS/EXAMPLES: Clara starts her work promptly at the beginning of the shift and completes her work. She is building a routine. She ask to remain in HP-2 Instead of going in to the training slot as she wants to continue to work on this.			

DEF 000988



JOB INVOLVEMENT		X	AMOUNT OF SUPERVISION REQUIRED		X
Consistently Does More Than Required; Frequently Offers Suggestions for Improvement; Seeks to Expand Capabilities and Acquire New Responsibilities.			Starts and Completes Tasks Independently; Needs Minimal Supervision.		
Does What Is Required and Sometimes More; Occasionally Contributes Ideas; Shows Interest In self-Improvement.		X	Starts and Completes Tasks with Normal Supervision.		
Does Assigned Work Only; Shows Little Interest In Acquiring New Responsibilities.			Needs Some Extra Supervision to Complete Assigned Tasks.		X
Does as Little as Possible; Shows No Concern For Performance or Desire to Improve Skills.			Needs Frequent Supervision to Complete Assigned Tasks; Does Very Little Without Being Told.		
Cannot Rate			Cannot Rate		
COMMENTS/EXAMPLES: Performing the readings, samples and call cards right now. Ciara proactively does SOU training's. She has started training on the fly when she has time on Dimer/SR3 RO job			COMMENTS/EXAMPLES: She needs assistance with most tasks the first time. She is getting practice with Call cards, LOTO, C(F)5, and will get more experience every day.		
JOB KNOWLEDGE AND SKILLS		X	COMMENTS/EXAMPLES: Ciara is getting the hands on experience she needs to become proficient right now. Working the job and seeing the day to day things that come up is what is needed to learn the job. Some time outside tracing pipes in the unit and reviewing/ simulating procedures would be beneficial to learning the equipment and the unit.		
Making Excellent Progress in Acquiring Knowledge and Skills; Proficiency Is Well Above Expectations.					
Making Good Progress In Acquiring Knowledge and Skills; Level of Proficiency Meets Expectations.					
Making Satisfactory/Adequate Progress In Acquiring Knowledge and Skills; Proficiency Generally Meets Expectations.		X			
Progress In Acquiring Knowledge and Skills is Unsatisfactory; Proficiency Is Well Below Expectations.					
Cannot Rate					
ATTENDANCE THIS REVIEW PERIOD >	NUMBER OF TIMES LATE >		NUMBER OF TIMES SICK > 0		NUMBER OF TIMES AWOL > 0
SUMMARIZE EMPLOYEES DEMONSTRATED STRENGTHS: Ciara is willing to learn and is determined. She is very safety minded not afraid to bring up safety concerns. She is honest and has integrity					
SUMMARIZE EMPLOYEES JOB IMPROVEMENT NEEDS: Ciara needs to continue learning the units and gaining knowledge of her job. Taking the initiative to go outside and learn new things is a valuable tool to becoming an effective operator. Becoming familiar with our day to day procedures (LOTO, C(F)3, C(F)5 will be valuable. Spending time in the unit, looking things over, reviewing/ simulating procedures would help to strengthen her skills.					
DATE THIS PERFORMANCE ASSESSMENT WAS DISCUSSED WITH EMPLOYEE > 7/29/16					
SUMMARIZE DISCUSSION (What Employee was Told, Employees Reaction, Goals, Etc...)					
BASED ON YOUR KNOWLEDGE OF THE EMPLOYEES PERFORMANCE TO DATE SHOULD THE INDIVIDUAL CONTINUE AS AN EQUILON EMPLOYEE?			---X----- YES		----- NO
EXPLAIN:					
REVIEWERS COMMENTS					
PREPARED BY SUPERVISOR (Print Name and Title) Richard L. Metcalf- TSTL Team 4 OPCEN		SIGNATURE		DATE PREPARED 9/21/2016	
REVIEWED BY EMPLOYEE (Print Name and Title) Ciara Newton		SIGNATURE		DATE PREPARED	
REVIEWED BY /MANAGER (Print Name and Title)		SIGNATURE		DATE PREPARED	

DEF 000989

**From:** Metcalf, Richard L SOPUS-DMW/312  
**Sent:** Tuesday, September 27, 2016 11:46 AM  
**To:** Perez, Eric G SOPUS-DMW/310  
**Subject:** Progress Report 240 Days - Newton - Copy  
**Attachments:** Progress Report 240 Days - Newton - Copy.docx

$\Delta \pi$ EXHIBIT	4
Deponent	_____
Date	_____ Rptr. _____
WWW.DEPOBOOK.COM	

DEF 000967



## DAY PROGRESS REPORT

30 Day	60 Day	90 Day	150 Day	180 Day	210 Day	270 Day
Employee Name: Ciara Newton		EE# 251159		Equated Date: 1/04/16	Probationary Period Ends: 9/30/16	Month-Date-Year: 9/21/16
Department/Unit: OPCEN		Job Classification: <u>OPERATOR START</u>		Time In This Job: Training	Time Under your Supervision: > 60 days	57 Days
<b>PERFORMANCE FACTORS</b>						
<b>SAFETY AND HOUSEKEEPING</b>				X	<b>WORK SPEED, ACCURACY, AND THOROUGHNESS</b>	
Leader in Safety; Demonstrates Deep Involvement and Accomplishments in Working Safely, Maintaining clean, Safe Work Area, and participating in Safety Meetings.					Works Rapidly and Extremely Accurately and Thoroughly; Pays Close Attention to Detail; Errors Rarely Found in Work.	
Follows Prescribes Safety Standards; Conscientiously Maintains Clean Work Environment; Performs Job Safely, and Participates in Safety Meetings.				X	Consistently Works Accurately and Thoroughly at a Normal Rate; Errors Seldom Found in Work.	
Sometimes Must be Reminded of Safety; Shows Secondary Interest in Performing Safety and/or Maintaining Safe Environment; May not Participate in Meetings Regularly.					Works at an Acceptable Rate; Accuracy of Work Generally Good; Errors Sometimes Found in Work; Usually Thorough.	
Has to be Constantly Reminded of Safety Standards; Shows no Interest in Improving in This Area or in Participating in Safety Meetings.					Work Pace and/or Error Rate are Unacceptable.	
Cannot Rate					Cannot Rate	
COMMENTS/EXAMPLES: Ciara is learning to be a safe operator. She is concerned about health and safety of herself, her coworkers and the environment. She is Doing better at projecting and conveying unit info. I would like to see her get more involved with safety topics.					COMMENTS/EXAMPLES: Ciara gets right out into the unit to start her readings and samples. She needs to continue learning samples readings and call cards. Work on learning sample specs to improve unit performance	
<b>EXERCISING JUDGEMENT-SOLVING PROBLEMS</b>				X	<b>TEAMWORK, COOPERATION, AND GETTING ALONG</b>	
Judgement is Excellent; Almost Any Work Problem.					Very Effective Team Worker; Gets Along Well with Almost Everyone; Goes Out of the Way to Help Others.	
Shows Good Judgement; Solves Many Work Problems By Self.					Good Team Worker; Gets Along Well With Others; Cooperative.	
Judgement and Problem-Solving Ability are Adequate.					Generally Performs Satisfactorily at a Team Member; Gets Along Satisfactorily with Others; Usually Cooperative.	
Exercises Little Judgement; Shows Little Problem Solving Ability.				X	Makes Little or No Effort to Work as a Team Member of Get Along with Others; Generally Uncooperative.	
Cannot Rate					Cannot Rate	
COMMENTS/EXAMPLES: Process judgment and problem solving takes time to acquire. Ciara Increasing her ability to problem solve as she gain confidence. When we had the leak on the E1207, she was timid in giving me a response on what was happening. She needs to spend more time in the unit tracing pipe and gaining confidence in the plant.					COMMENTS/EXAMPLES: Ciara gets along with team members and does what is asked. She is quiet and keeps to herself. But when she does get involved she is friendly and helpful.	
<b>FOLLOWING ORAL/WRITTEN INSTRUCTIONS</b>				X	<b>ORGANIZING WORK</b>	
Follows Instructions Exactly; Seeks Assistance or Clarification When Needed.					Planning, Organizing, and Work Habits are Outstanding.	
Follows Instructions Closely; Asks Questions or Seeks Information When Needed.				X	Plans and Organizes Work Well; Good Work Habits; Set Priorities.	
Generally Follows Instructions; Usually Asks Questions or Seeks Information When Needed.					Generally Organizes and Plans Work Well; Works Fairly Systematically; Usually Recognizes Priorities.	
Does Not Follow Instructions; Fails to Ask Questions or Seek Information When Needed.					Does Not Set Priorities; Haphazard Planning and Organizing; Poor Work Habits.	
Cannot Rate					Cannot Rate	
COMMENTS/EXAMPLES: Follows directions, Asks questions .					COMMENTS/EXAMPLES: Ciara starts her work promptly at the beginning of the shift and completes her work. She is building a routine. She ask to remain in HP-2 instead of going in to the training slot as she wants to continue to work on this.	

DEF 000968

JOB INVOLVEMENT		X	AMOUNT OF SUPERVISION REQUIRED		X
Consistently Does More Than Required; Frequently Offers Suggestions for Improvement; Seeks to Expand Capabilities and Acquire New Responsibilities.			Starts and Completes Tasks Independently; Needs Minimal Supervision.		
Does What Is Required and Sometimes More; Occasionally Contributes Ideas; Shows Interest In self-Improvement.		X	Starts and Completes Tasks with Normal Supervision.		
Does Assigned Work Only; Shows Little Interest In Acquiring New Responsibilities.			Needs Some Extra Supervision to Complete Assigned Tasks.		X
Does as Little as Possible; Shows No Concern For Performance or Desire to Improve Skills.			Needs Frequent Supervision to Complete Assigned Tasks; Does Very Little Without Being Told.		
Cannot Rate			Cannot Rate		
COMMENTS/EXAMPLES: Performing the readings, samples and call cards right now. Ciara proactively does SOU training's. She has started training on the fly when she has time on Dimer/SR3 RO job. I would like to see more in the field time.			COMMENTS/EXAMPLES: She needs assistance with most tasks. She is getting practice with Call cards, LOTO, C(F)5, and will get more experience every day. I would like to see more initiative to do something on her own the first time. I see her asking people to go out with her but I would like to see her have went in the field and looked at it herself first and see if she can do it on her own.		
JOB KNOWLEDGE AND SKILLS		X	COMMENTS/EXAMPLES: Ciara is getting the hands on experience she needs to become proficient right now. Working the job and seeing the day to day things that come up is what is needed to learn the job. Some time outside tracing pipes in the unit and reviewing/ simulating procedures would be beneficial to learning the equipment and the unit. Also, start taking a look at stuff and seeing if it can be done without assistance.		
Making Excellent Progress In Acquiring Knowledge and Skills; Proficiency Is Well Above Expectations.					
Making Good Progress In Acquiring Knowledge and Skills; Level of Proficiency Meets Expectations.					
Making Satisfactory/Adequate Progress In Acquiring Knowledge and Skills; Proficiency Generally Meets Expectations.		X			
Progress In Acquiring Knowledge and Skills Is Unsatisfactory; Proficiency Is Well Below Expectations.					
Cannot Rate					
ATTENDANCE THIS REVIEW PERIOD >	NUMBER OF TIMES LATE >		NUMBER OF TIMES SICK > 0		NUMBER OF TIMES AWOL > 0
SUMMARIZE EMPLOYEES DEMONSTRATED STRENGTHS: Ciara is willing to learn and is determined. She is very safety minded not afraid to bring up safety concerns. She is honest and has integrity					
SUMMARIZE EMPLOYEES JOB IMPROVEMENT NEEDS: Ciara needs to continue learning the units and gaining knowledge of her job. Taking the initiative to go outside and learn new things is a valuable tool to becoming an effective operator. Becoming familiar with our day to day procedures (LOTO, C(F)3, C(F)5 will be valuable. Spending time in the unit, looking things over, reviewing/ simulating procedures would help to strengthen her skills.					
DATE THIS PERFORMANCE ASSESSMENT WAS DISCUSSED WITH EMPLOYEE > 7/29/16					
SUMMARIZE DISCUSSION (What Employee was Told, Employees Reaction, Goals, Etc...)					
BASED ON YOUR KNOWLEDGE OF THE EMPLOYEES PERFORMANCE TO DATE SHOULD THE INDIVIDUAL CONTINUE AS AN EQUILON EMPLOYEE?			---X--- YES		---X--- NO
EXPLAIN: I'm not sure Ciara is ready for this job. She needs to spend more time in the field learning the units and tracing the pipes as I have suggested.					
REVIEWERS COMMENTS					
PREPARED BY SUPERVISOR (Print Name and Title) Richard L. Metcalf- TSTL Team 4 OPCEN					
SIGNATURE			DATE PREPARED 9/21/2016		

DEF 000969



REVIEWED BY EMPLOYEE (Print Name and Title) Clara Newton	SIGNATURE	DATE PREPARED
REVIEWED BY /MANAGER (Print Name and Title)	SIGNATURE	DATE PREPARED

DEF 000970

**From:** Metcalf, Richard L SOPUS-DMW/312 [richard.metcalf@shell.com]

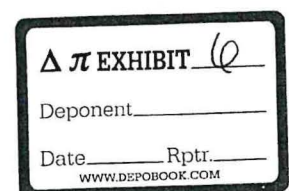
**Sent:** Friday, September 23, 2016 12:57 AM

**To:** Perez, Eric G SOPUS-DMW/310

**Subject:** My Reviews

**Attachments:** My Reviews.docx

An update on issues with Ciarra and tonights events



DEF 000971

## My Reviews

- 8/30/2016 1600: Today Mike reported to me that he was concerned with Ciarras ability in the field. She called him over to Co-sign a low energy permit on J-207. The permit stated to repair blinds on J-207 and the compressor was not prepped properly (bleeders still closed). He asked her what they were doing and she said performing hot work to repair blinds. He called the contractor (Billy from Brenderson) over and asked them what they were doing. Billy then told him installing blinds. He explained to Ciarra the proper way to prep the piece of equipment and that fresh air would be needed to prep it. She had some issues with getting her fresh air on and getting it to work, asking Mike and Billy to turn on the air valve. This is an on demand system that she was trained on prior and used during fire school. Mike explained that to her and she used it properly and completed the prep. Mike also showed her how to hook up a detail and explained in depth what the fitting were and why we used them (I.E. Nipple, Union, Check valve, the arrow on the check valve, Ect.). Mike then explain that a hot work or low energy was not needed for blind installation. He then showed her how to look at the C(F)-5 and assign the blind numbers to the permit.
- 9/22/2016 2300 Mike came to me tonight concerned with Ciarra and her sample results. She had placed the samples on his desk while he was away and there were 3 off spec samples. He called Ciarra back in and asked her if any were off spec (the specs are on the sheet), she stated she didn't know. He has trained her multiple times on this so he went back over it again with her. She seemed lost. He then told her the Cond. On the boiler blowdown was off spec low and to pull and run another sample, She came back in 2 min with a on spec number. He asked her then to make and adjustment on the cooling water blowdown, she seemed clueless again. He then explained to her that it is were you take the blowdown readings and asked her what the reading was today, she said 2.9 so he told her to take it to a 2, she then asked if this was a move he made or she did. So he explained again the adjustment is made where you take the reading. A while later he asked her to give him a valve position check on 253 by the 1207, she went right out to make the move. Roughly 10 min later she told him she was at 147 if that's where she should be. He told her no to go to 253 by the 1207 exchangers. About 15 min later she found the valve for his valve position check.



**From:** Perez, Eric G SOPUS-DMW/312  
**Sent:** Thursday, October 13, 2016 2:25 PM  
**To:** Layne, Christine R SOPUS-HRN/AM  
**Subject:** FW: My Reviews  
**Attachments:** My Reviews.docx

We never did a formal investigation. Mike the operator that brought it to Richard is concerned about his name on this document

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**From:** Metcalf, Richard L SOPUS-DMW/312  
**Sent:** Friday, September 23, 2016 12:57 AM  
**To:** Perez, Eric G SOPUS-DMW/312  
**Subject:** My Reviews

An update on issues with Ciarra and tonights events

$\Delta \pi$ EXHIBIT <u>7</u>
Deponent _____
Date _____ Rptr _____
<small>WWW.DEPOBOOK.COM</small>

DEF 001915